FILED
MAR 21 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8255

UNITED STATES OF AMERICA, Plaintiff, v. Antonio DIAS-Suarez (1), Luis Enrique SALGADO-Vega(2), Defendants.	)	Magistrate's Case No.: COMPLAINT FOR VIOLATION OF Title 21 U.S.C.§ 841(a)(1) Possession of a controlled Substance with Intent to Distribute

The undersigned complainant duly sworn states:

That on or about March 20, 2008, within the Southern District of California, defendants Antonio DIAS-Suarez and Luis Enrique SALGADO-Vega, did knowingly and intentionally possess with intent to distribute approximately 814.80 kilograms (1,796.3 pounds) of marijuana, a Schedule I Controlled Substance, in violation of Title 21 United States Code, Section 841(a)(1).

And the complainant states that this complaint is based on the attached Probable Cause Statement, which is incorporated herein by reference.

Cynthia M. Barajas, Task Force Officer
Drug Enforcement Administration

Sworn to before me and subscribed in my presence, March 21, 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Berenice LEON

The statement of facts is based on the reports, documents, and notes furnished to Drug Enforcement Administration Task Force Officer Cynthia M. Barajas

On March 20, 2008, at approximately 5:00 p.m., United States Border Patrol Agent (USBPA) Matthew Tucker was performing his official duties at the 808 Checkpoint, approximately 25 miles east of the Calexico, California West Port of Entry when Remote Video Surveillance System operators saw two vehicles drive north over the Drop 3 access road.

At approximately 5:10 p.m., while USBP Agent Tucker traveled eastbound on Highway 98, looking for the vehicles matching the description that the RVSS provided, USBP Agent Tucker drove past the first black vehicle and noticed that all the windows had been blacked out and that the driver was covering his face with his left hand. Shortly after that, the second vehicle drove by also with blacked out windows with the driver also concealing his face with his hand.

USBP Agent Tucker made a U-Turn and began traveling westbound on Highway 98. USBP Agent Tucker activated the emergency lights on the Cadillac Escalade. Agent Tucker upon contacting the driver smelled marijuana and noticed bundles of what appeared to be marijuana. The driver was later identified as DIAS-Suarez, Antonio.

At approximately 5:23 p.m., USBP Agent Julio Gutierrez saw a small black SUV that matched the description of the second vehicle heading westbound on Highway 98. Agent Gutierrez notified his dispatch that the driver of a black Suzuki SUV bearing California license plates 5YML124 was failing to yield. Upon contacting the driver who was later identified as Luis Enrique SALGADO-Vega. SALGADO-Vega arrived to the East Highline Canal were he stopped his vehicle and attempted to flee back to Mexico on foot. Agent Daniel Black was able to subdue SALGADO-Vega before he could abscond back to Mexico. SALGADO-Vega stated that he does not have any immigration documents. Agent Gutierrez also noticed that the inside of the vehicle was full of plastic wrapped bundles with the odor and consistency of bulk marijuana. SALGADO-Vega and DIAS-Suarez were placed under arrest and transported to the Calexico Station for processing and turned over to DEA.

Records checks later confirmed that both vehicles had been reported stolen. The Cadillac Escalade yielded 1,117.2 pounds of marijuana. The Suzuki yielded 679.1 pounds of marijuana.

DEA Special Agents Joanne Camacho and Task Force Officer Cynthia M. Barajas were called and responded to the Calexico United States Border Patrol Station.

TFO Barajas, as witnessed by SA Camacho, advised DIAS-Suarez of his Miranda warnings. DIAS-Suarez stated he understood and agreed to answer questions.

DIAS-Suarez stated that he met Ishmael on March 19, 2008, in Cuervo, Mexico. DIAS-Suarez stated he heard Ishmael was in need of drivers to cross marijuana into the United States and that he would pay good money. DIAS-Suarez introduced himself and agreed to drive a marijuana load into the United States. DIAS-Suarez stated that he knew he was transporting marijuana and that this was his first time. DIAS-Suarez also stated he saw the second driver SALGADO-Vega at the same residence in Mexico where he picked up the loaded vehicle from a person by the name of "GORDO". DIAS-Suarez was advised that once he would reach the highway, he would be contacted by an unknown driver to direct him where to drop off the marijuana.

On March 20, 2008, USBP Agent Blake tested the bundles that contained a green leafy substance with a NIK-field testing kit. The bundles tested positive for the properties of Marijuana.

On March 21, 2008, at approximately 1253 a.m., TFO Barajas, TFO Tabarez, and SA Camacho transported Antonio DIAS-Suarez and Luis Enrique SALDIAGO-Vega to the Imperial County Jail.